

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

RESIDENTIAL FUNDING COMPANY,
LLC,

Civil No. 0:14-CV-00144 (DWF/SER)

Plaintiff,

vs.

HSBC MORTGAGE CORP. (USA)

Defendant.

**MOTION TO TRANSFER VENUE UNDER 28 U.S.C. § 1412 TO
UNITED STATES BANKRUPTCY COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

Pursuant to Local Rule 7.1(b)(1), Defendant HSBC Mortgage Corporation (USA) (“HSBC”) respectfully moves to transfer the instant case to the Bankruptcy Court for the Southern District of New York pursuant to 28 U.S.C. § 1412, for disposition in connection with the related bankruptcy case, *In re: Residential Capital, LLC*, No. 12-12020 (Bankr. S.D.N.Y. May 14, 2012).

1. This case is related to that bankruptcy case. The Bankruptcy Court for the Southern District of New York confirmed a Chapter 11 liquidation plan in that case on December 11, 2013.

2. Under the liquidation plan proposed by the debtors, including Plaintiff Residential Funding Capital, LLC (“RFC”), the S.D.N.Y. Bankruptcy Court retains “exclusive jurisdiction” over post-confirmation proceedings, including proceedings seeking claims for indemnity of the sort at issue in this case.

3. Not only is RFC bound by the retention-of-jurisdiction provision in the Plan it proposed and advocated, but the S.D.N.Y. Bankruptcy Court is also the most familiar with underlying events in the bankruptcy that may be relevant to this case. Thus, as set forth in the accompanying Memorandum of Law, transfer under § 1412 will serve the interests of justice and permit that court to interpret its own orders and review allegations with which it has the greatest familiarity.

WHEREFORE, HSBC respectfully requests the Court to transfer the instant case to the United States Bankruptcy Court for the Southern District of New York pursuant to 28 U.S.C. § 1412.

Dated: January 16, 2014

Respectfully Submitted,

s/Elizabeth V. Kniffen
Elizabeth V. Kniffen (#0346329)
ZELLE HOFMANN VOELBEL & MASON LLP
500 Washington Avenue South, Suite 4000
Minneapolis, Minnesota 55415
(612) 339-2020

R. Hackney Wiegmann
Matthew V. Johnson (*pro hac* pending)
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005
(202) 434-5000
(202) 434-5029 (fax)

*Counsel for Defendant HSBC Mortgage Corporation
(USA)*